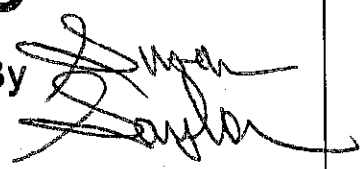


1 KAMALA D. HARRIS
Attorney General of California
2 MARC. D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-8944
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

FILED

Date 4/15/14 By 

8 **BEFORE THE**
9 **STRUCTURAL PEST CONTROL BOARD**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2014-48

12 **GUY ANTHONY DUPLANTIER**
6389 Gundry Ave.
13 Long Beach, CA 90805

A C C U S A T I O N

14 Operator's License No. OPR 10471

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Susan Saylor (Complainant) brings this Accusation solely in her official capacity as the
20 Registrar/Executive Officer of the Structural Pest Control Board, Department of Consumer
21 Affairs.

22 2. On or about August 23, 2001, the Structural Pest Control Board (Board) issued
23 Operator's License No. OPR 10471, in Branch 2 (general pest) and 3 (termite) to Guy Anthony
24 Duplantier (Respondent). The Operator's License was in full force and effect at all times relevant
25 to the charges brought herein and will expire on June 30, 2016, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following laws.
28 All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 8620 provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the holder, while a licensee or applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu of a suspension may assess a civil penalty.

6. Section 8625 states, in pertinent part:

"The lapsing or suspension of a license or company registration by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license or company registration shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such licensee or company, or to render a decision suspending or revoking such license or registration."

7. Section 8649 states:

"Conviction of a crime substantially related to the qualifications, functions, and duties of a structural pest control operator, field representative, applicator, or registered company is a ground for disciplinary action. The certified record of conviction shall be conclusive evidence thereof."

8. Section 8654 states:

"Any individual who has been denied a license for any of the reasons specified in Section 8568, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a member, officer, director, associate, qualifying manager, or responsible managing employee of any partnership, corporation, firm, or association whose application for a company registration has been denied for any of the reasons specified in Section 8568, or whose company registration has been revoked as a result of disciplinary action, or whose company registration is under suspension, and while acting as such member, officer, director, associate, qualifying manager, or responsible managing employee had knowledge of or participated in any of the prohibited acts for which the

1 license or registration was denied, suspended or revoked, shall be prohibited from serving as an
2 officer, director, associate, partner, qualifying manager, or responsible managing employee of a
3 registered company, and the employment, election or association of such person by a registered
4 company is a ground for disciplinary action."

5 9. Section 8655 states:

6 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
7 charge substantially related to the qualifications, functions, and duties of a structural pest control
8 operator, field representative, applicator, or registered company is deemed to be a conviction
9 within the meaning of this article or Section 8568 of this chapter. The board may order the license
10 or registration suspended or revoked, or may decline to issue a license, when the time for appeal
11 has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting
12 probation is made suspending the imposition of sentence, irrespective of a subsequent order under
13 the provisions of Section 1203.4 of the Penal Code allowing the individual or registered company
14 to withdraw a plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,
15 or dismissing the accusation, information or indictment."

16 **REGULATORY PROVISIONS**

17 10. California Code of Regulations, title 16, section 1937.1 states, in pertinent part:

18 "For the purposes of denial, suspension or revocation of a license or company registration
19 pursuant to Division 1.5 (commencing with Section 475) of the code, a crime or act shall be
20 considered to be substantially related to the qualifications, functions or duties of a licensee or
21 registered company under Chapter 14 of Division 3 of the code if to a substantial degree it
22 evidences present or potential unfitness of such licensee or registered company to perform the
23 functions authorized by the license or company registration in a manner consistent with the public
24 health, safety, or welfare."

25 **COST RECOVERY**

26 11. Section 125.3 states, in pertinent part, that a Board may request the administrative law
27 judge to direct a licensee found to have committed a violation or violations of the licensing act to
28 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Substantially Related Crime)**

3 12. Respondent is subject to disciplinary action under section 8649 in conjunction with
4 California Code of Regulations, title 16, section 1937.1, in that Respondent has been convicted of
5 crimes substantially related to the qualifications, functions or duties of a licensed operator, as
6 follows:

7 a. On or about June 10, 2013, after pleading nolo contendere, Respondent was convicted
8 of one felony count of violating Penal Code section 487, subdivision (a) [grand theft of personal
9 property] in the criminal proceeding entitled *The People of the State of California v. Guy*
10 *Duplantier* (Super. Ct. Los Angeles County, 2012, No. NA093503.) The Court sentenced
11 Respondent to serve 16 months in Los Angeles County Jail and denied probation.

12 b. The circumstances surrounding the conviction are that on or about August 3, 2011,
13 Respondent contacted S.W. while she was deployed overseas to tell her she had a water leak in her
14 kitchen and if he could go in the residence to fix it. During the time that she was gone Respondent
15 moved into her home. When she returned she noticed that some expensive jewelry was missing
16 from her bedroom along with a laptop. Respondent admitted to taking several items, including
17 jewelry and a laptop computer, and admitted to pawning at least 19 items of jewelry.

18 **DISCIPLINE CONSIDERATIONS**

19 13. To determine the appropriate degree of discipline in this matter, Complainant alleges
20 that:

21 a. On or about May 22, 1995, after pleading nolo contendere, Respondent was convicted
22 of one misdemeanor count of violating Vehicle Code section 23153, subdivision (b) [driving under
23 the influence of a alcohol or drugs causing injury] in the criminal proceeding entitled *The People of*
24 *the State of California v. Guy Duplantier* (Super. Ct. Los Angeles County, 1995, No. 95V01862.)
25 The Court placed Respondent on 48 months probation, with terms and conditions.

26 b. The circumstances surrounding the conviction are that on or about November 20,
27 1994, Respondent was arrested for driving a motor vehicle with a blood alcohol concentration of
28 .08% or higher.

1 OTHER MATTERS

2 14. Section 8620 provides, in pertinent part, that a respondent may request that a civil
3 penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days, or not
4 more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made at the
5 time of the hearing and must be noted in the proposed decision. The proposed decision shall not
6 provide that a civil penalty shall be imposed in lieu of a suspension.

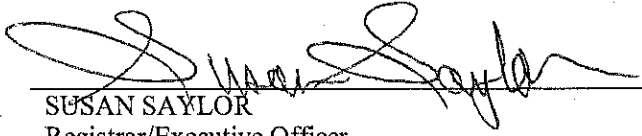
7 15. Pursuant to section 8654, if discipline is imposed on Operator License No. OPR 10471
8 issued to Respondent, he shall be prohibited from serving as an officer, director, associate, partner,
9 qualifying manager, or responsible managing employee for any registered company during the time
10 the discipline is imposed, and any registered company which employs, elects, or associates
11 Respondent shall be subject to disciplinary action.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board issue a decision:

- 15 1. Revoking or suspending Operator's License No. OPR 10471, issued to Respondent
16 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
17 enforcement of this case, pursuant to section 125.3; and
18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 4/15/14

21 
22 SUSAN SAYLOR
23 Registrar/Executive Officer
24 Structural Pest Control Board
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

26 LA2013510510
27 51410186.doc
28 mc (rev.3/21/14)